

THE
CIVILL RIGHT
OF
TYTHES:

OR,
The Countrey Incumbent his
Clayme thereto.

Wherein are divers Reasons beld forth ;

- I. That the Proprietie of *Tythes* is not in the hands of the Land-holder.
- II. Nor in the hands of the State.
- III. That it is, and ought to be, in the hand of the Incumbent.

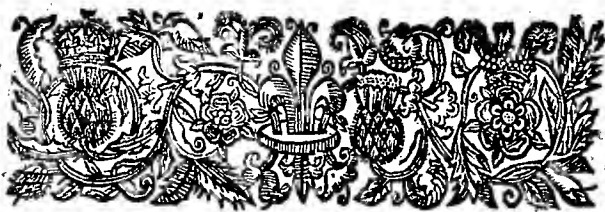
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B. A. a faithfull well-wisher to the Parliament,
to the Armie, to the Common-wealth, and to all
the People of God in *England*.

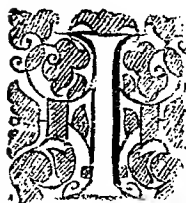
PROV. 22. 28.

Remove not the ancient Bound which thy Fathers have set.

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the Old-Bayley, 1653.



THE CIVILL RIGHT OF T Y T H E S.



T is not any sinister respect, that puts me on this undesired Worke; neither is it any selfe-End, that made me, the unmeetest of others, to undertake this imployment before others: But the Glory of God, the Good of the Ministerie, the Honour of our Nation, the Advancement of Religion, the

Supporting of Learning, the Peace, Tranquillitie, and Welfare of the Parliament, of the Armie, and of the Commonwealth; as also due respect to an Order made in the latter end of *July*, whereby libertie is granted to any to tender the Incumbents claymes in the proprietie in *Tythes*: These were the sole and onely Ends which I herein aymed at.

In clearing of the Truth in hand, I shall first of all (God willing) lay downe some Reasons; first, *Privative*, why the Proprietie of *Tythes* can neither be in the Land-holder, or People, nor in the State and Commonwealth: secondly, *Positive*, why the Proprietie of *Tythes* is in the hand of the Incumbent: And then shall I briefly answer some Objections, which the Petitioners commonly pretend against the paying and receiving of *Tythes*.

1. The Proprietie of *Tythes* is not in the hands of the Land-holder, or of the People: for,

First, Our Law not onely distinguisheth the Proprietie of

the Land-holder, or of the People, from the Incumbents and Impropriators tenth part ; but after *Tythes* are set out, it maketh it a like Trespas in the Land-holder to carry away the *Tythe*, as for an Incumbent or Impropriator to carry a wrong Sheafe, or Cock. For whereas it is Felonie in a stranger, that can pretend no Proprietie, to take either of their Cocks or Sheafes away ; it is not Felonie according to the Law and Custome of our Land, but an equall or like Trespas in the Land-holder, or of him that taketh *Tythes*, thus to mistake. The Law also giveth him power, without asking leave, to come on the Land-holders ground, either in Enclosure, or common Field, if he please, to demand *Tythes*, and to carry it away, when it is once set out. These and an hundred the like particulars, that might be instanced in, clearly shew, that there is the same Proprietie in the Incumbent for his Tenth, as there is in the Land-holder for his Nine parts.

But secondly, What seeke I any other prooffe ? when as by the great Patrons of Justice, the Judges of our Land, it hath beene oft delivered at the Grand Assizes in their Charges to this effect, That the Law giveth the Incumbent or Impropriator the same right for his Tenth, as the Land-holder hath to his other Nine parts. Whereby it doth most evidently appeare, that the Proprietie of *Tythes* is so faire from being in the Land-holder, that if there be in him a Proprietie for the Nine parts, there is also a Proprietie in the Incumbent, or Impropriator, for his Tenth : otherwise, how have these the same right to the one, as they have to the other ? Now the great Possessor of Heaven and Earth be pleased in mercy to restraine these, that so vigorously and actively goe about to Petition to take away the Tenth, that many of them may not, to the overthrow of all Proprietie, goe about afterwards to take away the Free-holders Nine parts, intending the taking away of *Tythes* as the laying of a Foundation to bring in Communitie, and to take away all Proprietie whatsoever in the Free-holder and Tenant.

Thirdly, The possession of *Tythes* hath not beene in the hands of the Land-holder, but of the Incumbent, not onely since, but many hundred yeares before the *Norman* Conquest, without

without alteration, in the great Concussions that this Land hath beene tossed up and downe with. And would they desire to have these *Tythes*, which their Ancestors for many hundred yeares never enjoyed? Neither were these in the hands of the Land-holder, when haply many thousands of these Petitioners Ancestors first planted and seated themselves in this Land.

Fourthly, The Land-holder, or People, can have no Proprietic in *Tythes* by Purchase, for neither they nor their Ancestors did ever purchase them (these being in the Incumbents hand long before they, or their Ancestors, purchased their Inheritances in *England*.) The Tenth being never purchased by themselves, or their Ancestors; How can they thinke, that they have any Proprietic in it?

I I. The Proprietic of *Tythes* is not in the hands of the State, or Common-wealth.

First, The Lawes which the Parliaments have made, shew the contrarie: Amongst the rest, the Statute of *Mortmain*, a Law still in force; by which, if they gave any thing to the Church (as they then stiled it) it was then by the Statute supposed to be in a dead hand (for so the words *Mortmain* importeth.) It was thereupon enacted, to prevent such further Donations, That if any did give in that manner afterwards, without speciall Licence, it should be by that Act forfeited to the King, or State. If the Proprietic of these Gifts, or the like, had beene in the States hands, how was it enacted as a Penaltie, or Forfeiture, to prevent these further Gifts and Donations, That if any did give, it should be forfeited to them? If the Gift made it theirs, why was the Forfeiture added? Surely, the Forfeiture alienated the Proprietic from him, on whom the Donour intended it: Yea, the Parliament needed not to have Decreed, that it should be a Forfeiture to the State, if the State had the Proprietic of it by the Gift. The Parliament, by this Act of theirs; and other Parliaments, by continuance thereof, without Repeale or Alteration, manifest, that the Proprietic of such things as had beene formerly

merly given, was not in their hands, nor in the hands of the King, or State.

Secondly, The Kings and Queenes of *England*, even in these Livings whereof they had the Patronage, did never before institution, or induction, take the profit of these *Tithes*, which fell in the time of their Vacancie, but they were sequestred to the use of the next Incumbent. If they had Proprietie in any, here was the grèatest shew, in the places of their Patronage; yet, even in these, they claymed no further Proprietie but as other Patrons; neither did they appropriate these, without the consent of the Bishop and Incumbent.

Thirdly, The Incumbent had power, with their Bishops and Patrons consent, to alienate by Lease for many yeares, or to appropriate to some House, or Corporation, the *Tithes* of their Restorie, without the consent of the People, or Land-holders, or without the consent of the Parliament, or State, even as firmly as any Free-holder could doe his prerogative: which clearely sheweth, that neither People nor State had any Proprietie in them; for if so, their consent of necessitie must have beene required to such an alienation.

Fourthly, The Common-wealth of *England* did in the times of Kings and Queenes lay clayme no otherwise to *Tithes*, that were in the hands of the Incumbents, then they did to the Nine parts belonging to other Free-holders; making Lawes for the regulating and well-ordering of one, as well as the other: Which power of theirs, in making Lawes, did no more take away the Proprietie from the Incumbent, then it did from any Free-holder over whom they had the like power.

Fifthly, It was never the intent of the Donours, to place the Proprietie of them in the hands of the State, but in the Incumbent: for if there had beene such an intent, it would have beene either expressed, or implied. The Apostle speaketh of it, as a Rule generally received: *If it be but a mans Testament, if it be confirmed, no man disannulleth, or addeth thereto*, Gal. 3. 15. The Cath which *Joseph* in his Will charged the *Israelites* withall; though these persons might be dead to whom

whom the Oath was given, yet *Moses*, who was borne sixtie five yeares after the Oath, holdeth himselfe bound to fulfill it; the Holy-Ghost rendring it as a Reason, why *Moses* tooke the Bones of *Joseph* with him, because he had *straitly sworne the children of Israel thereto*, *Exod. 13. 19.* Yea, this Will of his; the Holy-Ghost calleth a *Command*, *Heb. 11. 22.* Oh, let men be tender of doing injurie to the Wills of the dead, as they would have others to be tender of fulfilling their Wills when as they are dead.

III. Proprietic of *Tythes* is in the hands of the Incumbent.

First, Incumbents had actuall possession given them in all Ages of the Rights, Profits, and Emoluments belonging to their Rectories, or Vicarages, as punctually by Induction, as other Free-holders had of their Free-holds: against which, in case of controversie to the Clerke, though presented by the King or Queene of *Englands Mandamus*, yet there was a Returne made of *Ecclesia plena*, and he must bring a *Quare Impedit*, and he could not have by Law Institution, or Induction, untill the former Incumbent was legally ejected out of that possession, which he had some way or other unjustly obtained.

Secondly, Incumbents of Livings had Voyces not onely in electing of their Clerkes of Convocation, but also with other Free-holders, in electing Knights for the Shire, though they had no other Free-hold, they alwayes being held and reckoned as Free-holders; as in our Times, even in *Northamptonshire*, was legally cleared. If other Free-holders therefore have Proprietic to Nine parts, the Incumbent hath right to the Tenth, the quantitie no way altering the qualitic; his Proprietic being in one part equally as right, and as proper in him, as the Proprietic of the Free-holder in the other Nine parts was in him.

Thirdly, By all Acts of Parliament, the Incumbents have an equall right of Suing, either for their *Tythes* unjustly detained, or for any other Trespasses, as Impropriators have for their Impropropriations; although Impropropriators bought their Impropropriations in as ample, or rather more ample manner.

manner then any purchaser of the Abbey Lands, to which they were appropriated: the Abbey Lands and Nunneries, and others of the like nature, being onely once bought, and payd for; but many of those by a second survey, the purchasers that bought them as appropriated to their Mannors, were after constrained to buy againe by a more particular purchase. Shall wee condemne the wisdom of all fore-going Parliaments, which have generally given power, in case of detaining *Tithes* to the Incumbent, to Sue as a Right in his owne name, and affirme he hath no Proprietic in them, no due claime to them, which by Parliamentarie Lawes the Incumbent Sueth for in his owne name, as for his owne proper goods?

Fourthly, Parliaments have given treble Costs and Damages against those, which contrarie to Law detaine *Tithes* from Incumbents, whether Impropiators or others. Shall we think they have no Proprietic in that, to which our Law by Acts of Parliament since *Henry* the eighth alloweth them, in case of injurie offered them in their *Tithes*, a treble satisfaction, when as others have but a single? Surely, these Parliaments which made these Acts knew they had a Proprietic in them, otherwise they would not have given greater Damages to them then they did give to other Free-holders, which (all acknowledge) have Proprietic in their estates.

Fifthly, Kings and Queenes of *England* required their Taxes of them, usually called Subsidies, no otherwise then they did of other Free-holders; which Taxes, or Subsidies, they gave to the maintenance of the Common-wealth by the Clerkes of Convocation, whom they elected as other Free-holders did their Subsidies, by the Parliament-men whom they chose. If the Proprietic of their estate had not been in their owne hands, it would not have been a Subsidie which they had given, but a Rent-charge, or part of the Revenue of the State which they had restored.

Sixthly, *Tithes* were long agoe bounded by our Ancestors, and had the Proprietic intended by the first Donours, to the Minister; they ought not therefore to be alienated, contrarie to the intent of the Donour, from the Minister. For herein
Gods

Gods Law giveth a strict prohibition, from altering any Civill Right in this or in the like kind, *Prov. 22. 28. Remove not the ancient Bound which thy Fathers ha. set.*

1. These which Petition to take away *Tythes* from Incumbents, or Impropiators, endeavour to remove that Civill Bound which their Fathers have set; which, in mans Civill Right ought not to be done:

2. Especially seeing that there was a Vow, or Oath, going along in all these Donations, as Historians shew: For the same wise man will tell you, *It is a Sware to devoure that which is holy, and after Vowes to make enquire,* *Prov. 20. 25.* The *Gibeonites*, which were *Nethinims*, the lowest kind of Ministers in Gods House, when *Saul* tooke not onely their Lives, but their Lands from their Children, their inheritance being much in the Lot of the Tribe of *Benjamin*, (as ye may see *Josh. 18. 25, 26, 28.* with *Josh. 9. 17.*) *Sauls* owne Tribe; he in zeale to the Children of *Israel* slew them, *2 Sam. 21. 2.* to make the *Gibeonites* to cease from remaining in any of the Coasts of *Israel*, *2 Sam. 21. 5.* God which never required particularly the bloud of the Priests at *Sauls* hands, whom he slew in like manner as he did the *Gibeonites*, *1 Sam. 22. 18, 19.* yet maketh inquisition for the bloud of *Gibeon*, even in *Sauls* Childrens time, and fortie yeares after requireth justice to be done on the posteritie of *Saul*, who would have cut off the estate, and rooted out the posteritie of *Gibeon*. That Vow which *Israels* fore-fathers (although with a great deale of infirmitie) had made to them, tyeth the posteritie of *Israel* to fulfill it five hundred yeares after; and *Israel* smarts in their posteritie, and *Saul* in his posteritie for the breach thereof.

3. There was a Curse added to those that removed the ancient Land-mark, even by God himselfe to *Israel*, as *Moses* sheweth, *Deut. 27. 17.* and by the Donours of *Tythes* in *England*, as Historians shew.

And surely, as a continued series of mercifull Acts of Divine Providence do manifest a good Cause, with which they goe along; As in Gods prospering our Forces by Sea and Land, if we be not wilfully blind, we may see, and acknowledge the wonderfull dispensations of God, which he hath

wrought for the Nation, which call for thankfull acknowledgements from a people so mightily holpen, and are strong encouragements to us to depend on him for the future, in the worke he hath begun amongst us : So certainly, on the contrary, a continued *series* of direfull Acts of Providence doe oft accompanie, if not manifest an evill Cause. And surely it is not to be slighted, but rather seriously to be weighed, how the God of Heaven from time to time hath blasted the endeavours of those States, Princes, Commonwealths, and Parliaments, that have thus alienated *Tythes* to other maintenance then of Ministers, to which by their Ancestors Wills they were formerly designed. What Protestant Prince, or Common-wealth, did in our dayes, or in the dayes of our Fathers, ever take them into their owne Coffers, for the payment of Souldiers, or other uses, that did in conclusion gaine any thing thereby ? The Lord be pleased to keepe off such extremities from our Common-wealth, as they have fallen into.

I shall first instance in *Holland*, which is neerer us in situation, though remote from us in affection : They sixtie yeares agoe, and upwards, tooke away part of that maintenance which their fore-fathers had given to the maintenance of the Ministers of Gods publike worship, and set it apart to the maintenance of their Warres: and have they not had Warres ever since to maintaine? Neither would that which they thus took, maintaine their Warres, but the Charges thereof grew so on them, that the Excises and Taxes of *Holland* farre exceeded these in our Countrey; they being oft necessitated to keepe an Armie of sixtie thousand horse and foot, besides their Sea-Navie. And yet how have their Bounds at home been straitned, that have straitned the Ministers maintenance? Yea, what Losses by Warre in their Territories did they since undergoe, by a totall Losse of their principall Province of *Flanders*, and their head Citie *Antwerpe*, and other parts of their Countrey? Yct being now lifted up with pride & selfe-confidence, they go about to take away *Englands* Right also, who have formerly, with a great expence of Treasure, and of Bloud, maintained theirs : And they still endeavouring on
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the Ministers maintenance, to maintaine even these Warres of theirs, which being unjust, doe therefore come from their *owne lusts*, *Jam. 4. 2.* How hath the good hand of the Lord gone along with us; to the punishing of them, with whom we would willingly have joyned in a League of brotherly love and amitie?

Frederick, Pr. Elector Palatine, tooke away *Tythes* from the Ministrie for the like end: And did not he, and his, lose all their Countrey for neere thirtie yeares together? yea, some of his Rights and Priviledges are so totally taken from his Posteritie, that in probabilitie none of his heires can ever be able to recover them: Yea, if I be not mis-informed, after he tooke the Ministers maintenance in *Bohemia* into his owne hands, payd them well the first yeare, indifferent well the second yeare, in the third yeare the Emperour commeth and soupereth all away from him and them. And how doth his sonne now feeble the want of Ministers in the *Palatinate*?

But to leave these foreign examples, to come neerer home: *Henry the eighth*, who was an exact Modell of Tyrannie, in whose Acts you may see a large Map of Tyrannicall Oppressions of all sorts: He tooke Impropriations, and sold them; the value of which Impropriations, together with Abbey Lands, and others of the like nature, to which they were annexed, might be reckoned to be the fourth part of *England*: yet in a few yeares after died so poore, that he was not able at his death to give his two Daughters in readie Money ten thousand pound a peece to their Portion, but left it to be payd out of the Revenues, that came into his Exchequer: albeit in his Daughters time, many Citizens in *London*, and others, did give farre greater Portions with their Daughters. Yea, it was the observation of a Knight, who sayth to this effect: *I know not how it commeth to passe, yet I find it to be so, that Henry the eighth and his Posteritie reigned onely so many yeares in England, after the passing away of Improprizations, as Nebuchadnezzar and his Posteritie reigned in Babylon, after the taking away the Vessels of the Temple.*

2. As for the Parliament that passed them away, it was

that which a man of God was wont to say, as I have heard it from the mouth of one of his Congregation, *That the Parliament of England, after they passed away, through Henry the eighths insligation, the Impropriations, lost their owne Parliamenterie Priviledges.* This we all know; Parliament-Priviledges, and its Power, were afterwards so broken and lost, that till of late they could never be regained, and then with the expence of a great deale of Bloud, and Treasure.

3. The Purchasers that bought them of *Henry the eighth*, how few of their Posteritie enjoy these Impropriations which their Fathers purchased? Of those Thousands that were then purchased, there are not Hundreds in the hands of the Heires of the first Purchasers. We might instance in many Impropriations, which have changed their Owners nigh a dozen times; yea, many of them selling them, not through desire of gaine, to purchase greater estates, but through necessitie to satisfie those Debts, which after they had purchased them, they did run into. The observation whereof, moved a man of God to thinke and averre, *Had it not been for this, many a faire Family had at this day stood, which is now ruined.*

4. The tyrannicall Bishops of our times, who would rather have poore Ministers then good, hindred the buying in of Impropriations, by the Feoffees entrusted to that purpose: These took the Money into their owne Coffers, which was given by the Ministers. And did not the hand of God goe out against them afterwards, bes fooling them in all their Counsels and Undertakings in *England and Scotland*? They quickly lost their owne estates, which not onely hindred in the buying of these, but also tooke the benefit of that Money into their owne hands. And surely it is remarkable, that we reade in the New Testament but of few Judgements that the Lord inflicted on ungodly men that lived in the Pale of the Church; the Lord in Gospel-times delighting to walke in his Church in a way of Mercie rather then in a way of Judgement: Yet there is mention made of *Ananias and Saphira*, which brought a certaine part of the price of the possession, and layd it at the Apostles feet, *Act. 5. 1, 2.* when as they had consecrated, by their owne gift, the whole. These were by the severitie
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of Gods justice struck dead, as invaders of Gods right, from which they did pare or clip off part; so the word signifieth. Thus we see it is dangerous clipping of that, which either we, or others, have set Gods stamp on.

But it is objected,

Object. 1. The payment of *Tythes* is a grievous oppression.

Answer. But this is onely objected, but not proved. For where is the oppression, when as the one receiveth no more, then was first given out before the other purchased; & the Free-holder, enjoyeth as much as he or his Ancestors ever purchased?

Surely, if this maintenance were disannulled, and the Minister maintained by Taxes (as some desire) this haply might carry in some mens estates some colour of oppression with it: but when as it was set out long before any Free-holders estate was purchased, there can be no shew of oppression in it.

Besides, these men that Petition against *Tythes*, as an oppression, doe not they ignorantly desire to expresse two hundred thousand in their total maintenance; and the greater part of the poor of the Land in some part of their maintenance, and many of the Gentry in the rights annexed to their Mannors?

For 1. If there be above ten thousand Families of Ministers that live upon *Tythes*, and foure or five thousand Impropriators, the greatest part of whose livelyhood is the benefit of their Impropriations; and many of these maintaine, besides their owne, some one, some two, some three, some more Families, by keeping the poore Master in continuall employment. So that they would have the totall present maintenance taken away from thirtie or three and thirtie thousand Families: which if but six in a Family, the number will amount nigh to two hundred thousand persons, that would be greatly oppressed, if not totally ruined thereby.

2. Besides the losse of Patronage, which Patrons would receive; which is their proper Right annexed to their Mannors; which they and their Ancestors were as Feoffees intrusted by the Parishes, to preserve the Rights of those places over which they were intrusted; and had the Proprietie of Patronage committed to them.

3. Would not the poore generally suffer losse, though the

eyes of many of them are not yet open to see it? They count in most common fields, and I think not amisse, that their very gleanings to be a third part as much after the *Tythe*, as after the rest of the Crop. They may live foure or five miles from a Market; whither can they goe in many places to buy Corn, but to the Minister, who doth oft furnish their necessities? yea, some of them under the Market, and that without readie Money; besides the straw, and other benefits, which if once out of the Ministers hands; the poore would quickly groane under the losse that they should receive thereby; which now they feare not, because they doe not feele it. Oh, let it be farre from the Governours of our Land to enact that, which might occasion God to have a Controversie with *England*, as he had with *Israel*; and to say of us as he did of *Judah*; *I looked for Judgement, but behold Oppression; for Righteousnesse, but behold a Crie, Isa. 5. 7.* For, if the Crie but of one Labourer which respecteth downe your Harvest, for detaining of his wages but a short time, *Deut. 24. 14, 15.* cometh into the eares of the Lord of Hosts, *Jam. 5. 4.* Oh, what a loud noyse will the Crie of so many Families of the Lords Labourers make in his eares, when as either their maintenance is totally taken away, or it is so straitned that they cannot doe the Lords work with joy and delight; by reason of outward Cares? If this should ever come to passe in this Land, my soule should weepe in secret places, and mine eyes should run downe with teares day and night; not so much for the great outward losse that Gods Ministers would sustaine, (for the great House-keeper of the World could, and without doubt would provide for his own servants in some place or other) but for the Parliament, for the Armie, for the Common-wealth, & for the pleasant Land of my Nativitie, which are deare in mine eyes: For I should have occasion to feare, our *Shield* would depart from us; and *was to us when he departeth from us, Hos. 6. 12.*

Object. 2. A great number doe Petition against *Tythes*.

Answer. I wote, that through ignorance most of the people, yea, some of the chiefe Petitioners doe it: which number of Petitioners (if they did Petition against nothing else but *Tythes*, not drawing in parties by joint-Petitioning for some necessarie

necessarie things) commeth farre short of the number of those that would be injured, by granting that they desire: whereas if the multitudes were ten thousand times more then are, that should desire it, if there were but one man oppressed, yet the Magistrate hath a strict Law that binds him, *not to follow a multitude to doe evil, nor so much as to speak in a Cause, to decline after many to wrest Judgement, Exod. 23. 2.*

Object. 3. But many of these would have Impropriations satisfied for, according to their value and worth.

Ans. It is fit, that when as they part with them, that they should be satisfied for them: for they bought them of the Kings of this Land at dearer Rates then Abbey Lands, and other the like Lands, that were then purchased with them; and had them confirmed to them by Parliament: which maketh them by our Law as fully theirs, as any Free-hold is, or as our Law can make them.

Besides, these people know not what the value of Impropriations is, who doe speake of re-purchasing them: Impropriations are judged to be twice as much in value, as all the Parsonages and Vicarages that are in Ministers hands. The Impropriations, which are about foure thousand, there being scarce any Market Towne, few great Parishes, of which the Rectorie is not impropriated. Some are valued to be worth two thousand a year, some fifteen hundred, some a thousand, many five hundred and foure hundred, the greater part two hundred, few under a hundred; which, if valued at two hundred a yeare one with another, they come to eight hundred thousand a yeare, which at ten yeares purchase only amounteth to eight millions; which would require more then five yeares Tax and Excise to re-purchase, where Parishes, whose Tythes are not impropriated, would think it an injury to them to joyn in a common Tax for re-purchasing them, which neither they nor their posteritie would have any benefit by.

Object. 4. The maintenance which the Minister hath, is too large.

Ans. 1. It is not so large as it was when our Ancestors first gave them, neere two parts of three being impropriated, and appropriated, and so taken from the Minister.

2. It is not a quarter so large as that maintenance was, which the Lord himselfe set out to the people of the *Jewes*, for the maintenance of *Jewish* Ministers, although there be neere halfe as many Families of Ministers in this Land, as there were persons amongst the *Jewes*, that were males: There being neere ten thousand Parishes, besides Chappels, whose Families have their totall dependance on this maintenance; and there were but three and twentie thousand persons, that were males, from a moneth old, and upwards, *Numb.* 26. 62. And yet by the Lords owne particular allowance, and command, they had fortie eight Cities, with their Villages, and Suburbs, and Fields to most of them adjacent, reaching two thousand cubits from the walls of the Citie every way, *Numb.* 35. which portion of ground, if it had been layd together, would have been neere hand as good as their Lot for their small Tribe came to. And for number of Cities, their habitation was six times as large as some other Tribes, who had scarce twentie Cities for sixtie thousand, *Josh.* 19. *Josh.* 18. with *Numb.* 26.

Besides the first Tythe, the *Jewes* payd First Fruits, and a second Tythe, and a heave-offering out of the Dough: All which amounted to above twentie one parts of an hundred, which was more then a fifth part of their whole Crop; besides their part out of their Sacrifices, their Offerings, and their Vowes. So that I could easily demonstrate, that the *Levite*, though not the fortieth person in *Israel*, yet had above the fifth part of all the profits of the Land of *Israel*: Inasmuch, as they had proportionably to their number, above eight times so much as the other *Israelites* had, according to their numbers; and all this by Gods owne particular command.

Object. 5. Tythes might be put into a common Treasure, and more equally divided.

Answer. 1. The very Charge of gathering it into a common Treasure, at ten pound in a Parish, would be an hundred thousand a ycare; which would be no gaine to the people, nor to the State, but a losse of the fifth part of the Ministers maintenance; and the people, after all the great trouble of
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the Parliament, would complaine of more inconveniences then now they lye under.

2. Men would hardly be found faithfull, without farther losse to the Minister, and to the people also: There would be in the paying of their Stipends, as there was in the paying of Augmentations, a great and just Complaint against some Officers by the Ministers, who payd them in bad Money, or delayed them, so that they wasted their time, and estates, with unnecessarie Journeyes; constraining them thereby, through necessitie, to the great dishonour of the Parliament, to compound with them that payd them, and to take lesse by farre then the State allowed them. And there would be in the gathering of *Tythes* by common Officers, many offences given to the people, as there was in gathering up Excise heretofore.

3. It doth not appeare that amongst the *Jewes* all the Ministers received an equall maintenance, but rather the contrarie; some receiving more, some lesse.

4. For the Husbandman to pay it in Money, it would be farre worse to him. I know many of them are better able to pay their *Tythes* in kind in Harvest, or at other times, when they are due, then to spare one halfe of the worth of it in Money, at or after that time.

Object. 6. It was a Judaicall Rite, and therefore not to be observed amongst Christians.

Answer. This argument would hold strong, if they could prove paying of *Tythes* were a Ceremoniall Law, but it holdeth neither in Judiciall nor in Morall Lawes.

1. That this was not a Ceremoniall Law, is cleare: for, *those things which were ceremoniall were shadowes of things to come, but the Body is Christ, Col. 2. 17. Heb. 10. 1.* Let any shew me any ceremonialitie of paying one of ten, more then one of seven, or the like, that pointeth out any thing in Christ, and I dare appeale to his owne conscience and judgement, if he doe not wilfully blind himselfe, for his owne approbation thereof.

2. If it were a Judiciall Law, then the equitie of that Law bindeth, as Platformes for States and Common-wealths, to constitute Lawes by. And indeed, what more equall Lawes

can man invent for the Government of a Common-wealth; then these which the great Law-giver of the world hath prescribed as a patterne for Magistrates, at the least to imitate? Albeit some thinke, yea, many of these that are Petitioners against *Tythes* (if I mistake not) urge the strict observation of Judiciall Lawes in cases of Theft, against the Lawes now in force, for putting Felons to death.

3. If they say they are Morall, there is then a greater Right then a meere Civill Right: But because it is the Civill Right I have now undertaken to vindicate, I passe by this, as not pertaining to the Question in hand; although if that also were well handled, more would appeare for the Affirmative, then these that hold the Negative, in my opinion, could well answer.

Object. 7. It is a Heathenish custome, and not to be used of Christians.

Answer. 1. I would know, why men call that Heathenish, which God enjoyned his people before the Heathens tooke it up?

2. Was it particularly a Heathenish custome in this Land? If they meane so, this noteth according to them, that the Tenth was not in the peoples hand, not only since this Land professed Christianitie, but also in the time of Heathenisme; and therefore have the lesse cause of pleading against the paying thereof.

3. If they meane it was generally a Heathenish custome, in respect of all Nations: if this should be granted, this would not only hold forth a Civill Right, but also a Morall Right; it being not only payd by the *Jewes* by Gods command, but by the Heathens also, which for the most part were guided by the light of Nature.

Object. 8. It is Antichristian, and Popish, to pay *Tythes*.

Answer. It is not *Tythes* Civill Right only, but many of the great Truths of God that men goe about thus to blast.

God forbid, but that all Gods people should heare Gods Call, and come out of *Babel*, and hate every Error which the Whore of *Babylon* hath brought forth: yet withall, let us learne from the Scriptures wisely to distinguish betweene the Soules,

Soule-saving Truths *Rome* borroweth from them, and the Soule-destroying Errors she mingleth with them. A Goldsmith will not cast away his precious Metalls, because of Drosse that is mixt with them; neither let us cast away any Truth of God that *Rome* holdeth, because she hath blended it with Superstition, and mixed it with Error. And indeed it is one of the great Errors of the Times, with which men are led aside with, to quarrell with Apostolicall Truths, because Apostaticall *Rome* doth but corruptly hold them: as the Doctrine of God, of the Trinitie, of the hypostaticall Union of two Natures in Christ, of Redemption by the blood of Christ; that there is a Heaven, that there is a Hell, that there is a God; the using of the Prayer, called the Lords Prayer, the Magistracie, the Ministerie, Ordination of Ministers, distinction of Ministers from the other people of God; Universities, knowledge in humane Arts Proprietie of estates in any man, Matrimoniall proprietie, all Schoole-Divinitie, all Systemes of Divinitie, the Law, the whole Scriptures: in a word, any thing that crosseth their fancie, is made Popish and Antichristian.

Thus hath the Devill taught men to crie downie Truth, and to crie up Errors with the emptie notion of Antichristianisme, and to fright men from any Truth of God, or any Civill Right, by putting on it the ugly Vizard of mishapen Poperie.

Surely, if we layd any claime to *Tythes* by the Popes Law, namely, the Canon Law, as the Papists doe, there might be some just cause of branding it as Popish and Antichristian. But to say it is Antichristian, who claim it by the Law of the Land, which is grounded on reason, and hath a Law of God for its precedent, bewrayeth in them either gross ignorance, or wilfull stupidity.

Object. 9. The Pope challengeth the Right of all things given to the Church, to be in him; and the Right he had is revolved on the State.

Answer. He that did exhalt himself above all that is called God, did also *de facto*, claime this Right, that he might hold all in subjection to him, and he might have Authoritie over
them.

them; who for the same reason claimeth Right over Common-wealths and Kingdomes, and over all whatsoever: Yet I hope none amongst us, that affect our Common-wealth, will say, that he had *de jure* this, or any other Right in this Land, which he unjustly challenged. And therefore there can be no claime in or from him, who had no right thereto.

Object. 10. It is unjust, and unequall, for the people to pay *Tithes*, which is part of their labour.

Answer. 1. The Apostle telleth them, speaking in the name of the Ministers of the Gospel, 1 Cor. 9. 11. *If we have sown unto you spirituall things, is it a great thing if we shall reape your carnall things?* He instanteth in that, which the men of our time chiefly oppose as unjust.

2. Is there injustice in that Law, which hath the Law of God for a patterne? Are mans wayes equall, and shall the wayes of the God of Heaven be unequall? Oh, let not that proceed from the mouth of Christians, to charge that with injustice in any people, which God prescribed to his owne people as most just and equall.

Now the Lord of Heaven and Earth, in whose hands are the hearts of all men, who turneth them whither-soever he will, so direct the heart of this and of all other Parliaments of our Land, that they may not imitate *Holland*, and be guilty of that which *Samuel* sheweth should be one of the finnes of Kings, 1 Sam. 8. 15. *To take the tenth of their Seed, and of their Vineyards, and to give them to their officers and servants:* But that they may enact such righteous Lawes amongst us, that Judgement may run downe as waters, and Righteousnesse as a mightie streame, that the Lord may delight to dwell amongst us, and that we may be a Crowne of Glory in the hand of the Lord, and a Royall Diademe in the hand of our God, that the Nations may see our Righteousnesse, and the Kings of the Earth our Glory.

F I N I S.

